



"City of Champions"

**DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE COMMISSIONER**

Michael L. Thoreson
COMMISSIONER

May 7, 2013

CERTIFIED MAIL 7002 2410 0001 8493 7332

I. Andrew Goldberg
Assistant Attorney General
Massachusetts Office of the Attorney General
One Ashburton Place
18th Floor
Boston, MA 02108

**Subject: Brockton, Massachusetts
Wastewater Collection/Treatment Facility
Consent Decree Civil Action Case No. 1:06-cv-11334-NMG
2013 - 1st Quarter Report - FINAL REPORT**

Dear Mr. Goldberg:

The following is a quarterly report for your consideration regarding the City's Consent Decree Civil Action referenced above. This information is an update of the individual projects within the City plus other relevant data, in accordance with Section 42 of the Consent Decree. As the joint motion to terminate the consent decree was allowed during this period, this will be the final quarterly report submitted by the City.

Section 42 a - Activities Directed at Compliance with the Consent Decree:

1. Miscellaneous Sewer Pipe Repair and Replacement

The City has been performing sewer rehabilitation based on the findings of the City Wide Sewer System Evaluation Survey (SSES) and other investigations. In addition, sewer rehabilitation has been performed by several private contractors throughout the City. As a result of this work, many gallons of extraneous flow have been removed from the sewer system. During this period, the City completed several repairs resulting in the correction of damaged pipes and potential exfiltration from the collection system. The attached Table 1 is a summary of sewer system repairs documented since 1990. This activity is required by Sections 35 through 39 of the Consent Decree.

2. Sewer System Rehabilitation

Construction of all required phases of sewer system rehabilitation is complete. These activities are required by Sections 35 through 39 of the Consent Decree.

3. Local and State Funding

The City has completed all upgrades at the Advanced Water Reclamation Facility, as well as all phases of sewer system rehabilitation, under the SRF funding package totaling \$99.725 million, which matches the City authorization for borrowing. Additional STAG funding has been applied to the overall program as well.

4. I/I Reduction by Whitman and Abington

Both Whitman and Abington are required to develop an I/I rehabilitation plan as defined in the new NPDES permit for the Brockton WWTF. Both have been provided a copy of the Consent Decree and are independently pursuing I/I studies and system rehabilitation. This activity is required by Section 40 of the Consent Decree.

5. Private Inflow Reduction Program

The City has completed the house-to-house inspection program and reporting. This activity is required by Sections 35 through 39 of the Consent Decree.

6. Wastewater Treatment Facility Upgrade

All three Phases of the WWTF Upgrade have been completed. These activities are required by Section 23, 24 and 25 of the Consent Decree.

7. Receiving Water Assessment SEP

Sampling for the Comprehensive Receiving Water Assessment SEP is complete, and the summary report was submitted during the second quarter of 2011 in accordance with Appendix A and Section 15 of the Consent Decree.

8. Lead Analysis SEP

Additional samples were taken during the second quarter of 2011 at DEP's request, and the summary of results was submitted during the third quarter of 2011. The Lead Analysis SEP completion Report has been

submitted in accordance with Appendix C and Section 15 of the Consent Decree.

9. Funding

The FY13 Sewer Enterprise fund budget was submitted during the third quarter of 2012. This activity is required by Section 41 of the Consent Decree.

Section 42 b - Plans, Reports, and Deliverables Completed and Submitted during this Period:

1. The Joint Motion to Terminate Consent Decree was submitted and allowed during this period (attached.)

Section 42 c - Activities Anticipated During the Next Reporting Period:

Not Applicable – reporting is complete and the motion to terminate the consent decree has been allowed.

Section 42 d - Anticipated Non-Compliance During the Next Reporting Period:

Not Applicable – reporting is complete and the motion to terminate the consent decree has been allowed.

Section 42 e - Non-Compliance during the Current Reporting Period:

During the 1st quarter of 2013, the City of Brockton WWTF experienced the following effluent violations of its NPDES permit due to extreme wet weather events coupled with snow melt.

January

NONE

February

2/28/13 - Two Daily Max Loadings violations: 1-FPE TSS lbs/day & 1-FPE CBOD lbs/day

March

3/1 and 3/13/13 - Flow exceeded 45mgd on 2/28-3/1 and 54.5mgd on 3/13, resulting in Daily Max Loadings violations of FPE TSS lbs/day

Section 14 – Status of Supplemental Environmental Projects:

1. Receiving Water Assessment SEP (Consent Decree Appendix A)

The City has previously submitted the final scope-of-work and QAPP for the SEP in compliance with the requirements of the Consent Decree. Field sampling and analysis is complete. The summary report has been completed and submitted to DEP.

2. Regional Wastewater Management Planning SEP (Appendix B)

In compliance with the requirements of the Consent Decree, the City has disbursed the required funds in the amount of \$75,000 to the Old Colony Planning Council for implementation of the scope-of-work for this SEP.

3. Lead Analysis SEP (Appendix C)

The City has completed all testing of all open schools per the approved scope-of-work for the lead sampling SEP. The SEP completion report has been submitted. The City has expended approximately \$27,000 to date for this SEP (supporting cost documentation previously provided.) At DEP's request, the City has completed over 30 retests of certain drinking water bubblers and sinks that have been repaired. The summary of results has been completed and submitted.

Section 73 – Certification by representative of the City

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Closing

We trust this information meets your expectations regarding the required progress report. Please do not hesitate to contact me at 508-580-7135 regarding any questions or comments on this information. This is the final report to be submitted under Consent Decree Civil Action Case No. 1:06-cv-11334-NMG, as the joint motion to terminate the consent decree was allowed on 3/12/13.

Sincerely,



Michael L. Thofeson
DPW Commissioner
MLT/ss

Enclosures

cc: Chief, Environmental Enforcement Section CERTIFIED MAIL 7002 2410 0001 8493 7349
Environmental and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044

Barbara Healy Smith
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

CERTIFIED MAIL 7002 2410 0001 8493 7356

Tonia Bandrowicz
Sr. Enforcement Counsel
U.S. EPA Region 1
5 Post Office Square, Suite 100
(MS OES04-3)
Boston, MA 02109-3912

CERTIFIED MAIL 7002 2410 0001 8493 7363

Joy Hilton
U.S. EPA Region 1
5 Post Office Square, Suite 100
(MS OES04-3)
Boston, MA 02109-3912

CERTIFIED MAIL 7002 2410 0001 8493 7370 ✓

Dave Burns

CERTIFIED MAIL 7002 2410 0001 8493 7387

Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

David Ankener,

CERTIFIED MAIL 7002 2410 0001 8493 7394

DEP Project Inspector
Department of Environmental Protection
Division of Municipal Services
One Winter Street, 6th Floor
Boston, Massachusetts 02108

J. Condon, Chief Financial Officer

Philip C. Nessralla, Jr., City Solicitor

David Norton, Water and Sewer Contract Administrator

Lawrence Rowley, Utilities Superintendent

Ian Mead, CDM Smith Providence